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Attorney Docket No: 1340-1-016 N

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below under our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

NOVEL ANTIBIOTICS AND METHODS OF USING THE SAME

the Specification of which

- ☐ is attached hereto
☒ was filed on May 5, 1999
as Application Serial No. 09/305,984

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any provisional application filed in the United States in accordance with 35 U.S.C. §1.119(e), or any application for patent that has been converted to a Provisional Application within one (1) year of its filing date, or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

| <u>APPLICATION</u> <u>NUMBER</u> | <u>COUNTRY</u> | <u>PRIOR FILED APPLICATION(S)</u> <u>(DAY/MONTH/YEAR FILED)</u> | <u>PRIORITY</u> <u>CLAIMED</u> |
|-------------------------------------|----------------|--|-----------------------------------|
| 60/084,399 | USA | 06 MAY 1998 | YES |

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION
NO. _____
NONE

FILING DATE
(DAY/MONTH/YEAR)

STATUS - PATENTED, PENDING,
ABANDONED _____

We hereby appoint as our attorneys or agents the following persons: Jack Matalon, (Attorney, Registration No. 22,441); Stefan J. Klauber (Attorney, Registration No. 22,604); David A. Jackson (Attorney, Registration No. 26,742); Michael D. Davis (Attorney, Registration No. 39,161); William C. Coppola (Attorney, Registration No. P41,686); Mark S. Cohen (Attorney, Registration No. P42,425); and Christine E. Dietzel (Agent, Registration No. 37,309), said attorneys or agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence regarding this application to:

DAVID A. JACKSON, ESQ.
KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK, NEW JERSEY 07601

Direct all telephone calls to David A. Jackson at (201) 487-5800.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST JOINT INVENTOR: RODGER NOVAK

COUNTRY OF CITIZENSHIP: Germany

FULL RESIDENCE ADDRESS: 96 Vicksburg Cove #220
Memphis, Tennessee 38103

FULL POST OFFICE ADDRESS: 96 Vicksburg Cove #220
Memphis, Tennessee 38103

SIGNATURE OF INVENTOR _____

DATE _____

7/6/99

Attorney Docket No: 1340-1-016 N

FULL NAME OF SECOND JOINT INVENTOR: ELAINE L. TUOMANEN

COUNTRY OF CITIZENSHIP: United States

FULL RESIDENCE ADDRESS: 9600 Dove Meadow Cove W.
Germantown, Tennessee 38139

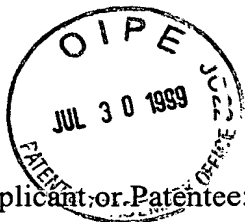
FULL POST OFFICE ADDRESS: 9600 Dove Meadow Cove W.
Germantown, Tennessee 38139

SIGNATURE OF INVENTOR

Elaine Tuomanen

DATE

7/6/99



Attorney's Docket No.: 1340-1-016 N

Applicant or Patentee: Rodger Novak and Elaine Tuomanen

Application or Patent No.: 09/305,984

Filed or Issued: May 5, 1999

For: NOVEL ANTIBIOTICS AND METHODS OF USING THE SAME

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 C.F.R. §§ 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION ST. JUDE CHILDREN'S RESEARCH HOSPITAL

ADDRESS OF ORGANIZATION 332 North Lauderdale Street

Memphis, Tennessee 38105-2794

TYPE OF ORGANIZATION

- ☐ University or other institution of higher education
- ☒ Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))
- ☐ Nonprofit scientific or educational under statute of state of The United States of America
(Name of state _____)
(Citation of statute _____)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in The United States of America
- ☐ Would qualify as nonprofit scientific or educational under statute of The United States of America if located in The United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, with regard to the invention entitled NOVEL ANTIBIOTICS AND METHODS OF USING THE SAME by inventor(s) Rodger Novak and Elaine Tuomanen described in

- ☐ the specification filed herewith
- ☒ Application No. 09/305,984, filed May 5, 1999
- ☐ Patent No. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below,* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an individual inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

FULL NAME _____

ADDRESS _____

☐ individual ☐ small business concern ☐ nonprofit organization

FULL NAME _____

ADDRESS _____

☐ individual ☐ small business concern ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Barbara S. Conta, Ph.D.

TITLE IN ORGANIZATION Vice President, Technology Development and Licensing

ADDRESS OF PERSON SIGNING 332 North Lauderdale Street

Memphis, Tennessee 38105-2794

SIGNATURE Barbara J. Conta DATE 6/7/99